

PRESERVED

App. F. IX-4

1936.

File No. 81-36

Previous References

(*do*)

Serial Nos. 1-2

4062-97 (4-5)

1124-23 (4-5)

Letter References.

81-36 (3 -
" 81-36-24
" 81-37-9

✓

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for November 1936

SUBJECT.

*Classification of witnesses attending
sessions courts.*

80 no p 2925:349 5-11-36

*To the Regt Hq.
Dms of the
... Compt.*

WD 0418-GPB-22,500-29-8-36

Passes orders on the above subject

*W. S. Mear
22/12/36*

1833

Serial
No.

From

The Registrar High Court

RCC No 1525 /35-36 dt 22.7.36

Recommend that the witnesses
Sessions Courts may be classified in
same way as witnesses attending C.S.

Submitted with reference and a draft
of a G.O. sanctioning for approval or other

action

C.R.P.

Sho

200

2) As per G.O's (flagged I and J), the Govt.

have fixed the rate of T.A. and batta to be paid
to witnesses attending the Sessions courts.

According to those orders, all witnesses have been
classified into 4 grades and the batta varies
according to the grade to which they belong. But

the principle on which this classification is made
is not found there, with the result that there is

no uniformity in the classification now made in
the Sessions Courts. A witness who should be

classified in the 4th class is often classified
as a witness of the 3rd class, resulting in ~~the~~

~~payment~~ of unnecessary ^{high} cost to Government. The

High Court states that recently such instances
had come to its notice. In Chapter XIII of

the Criminal Rules of Practice, Vol. I, all the
rules relating to the witnesses and payment of

4. regard being had
to their station in life
occupied by each witness

of batta to them are found. According to the rates found in page 167 of the said book, the difference in mileage between a witness of the 3rd class and a witness of the 4th class is 1 as. 6 ps. per mile while the batta per day differs also. The batta of a third class witness is 8 as. per day while that of the 4th class is only 4 as. But on the civil side witnesses have been divided into 4 classes for payment of batta and T.A. according to their monthly income. According to the Civil Rules, a person whose monthly income is below Rs.50/- is classed as a witness of the 4th class while a person whose ^{monthly} income is above Rs.50/- but below Rs.100/- is ~~classified~~ as a witness of the 3rd class. A person whose monthly income is above Rs.100/- but below Rs.250/- is ~~classified~~ as a witness of the 2nd class while a person whose monthly income is Rs.250/- is ~~classified~~ as a witness of the first class. The High Court now proposes that this classification according to the income of the witnesses must be applied to criminal courts also in order to bring about uniformity in the several Sessions Courts and to keep down the cost on account of batta to witnesses. Most of the witnesses that appear in the Sessions Courts come from rural areas and their average monthly income cannot ordinarily exceed Rs.50/- a ~~month~~. These witnesses ought therefore to be grouped under Class 4 and if they are so classified, the witness batta allowance in many of the Sessions

Classifying witnesses attending Sessions CS³

General & Revenue
Secretariat.

File No. 81

of 1936

[App. F. III-2]

Serial
No.

Courts can be considerably kept under control. It is primarily the duty of the committing Magistrates to classify the witnesses. But it is found that special care is not taken in classifying these witnesses with the result that the Sessions Judges are made to pay a higher class batta to a witness who does not deserve it. If the principle now proposed by the high Court is ^{accepted} enunciated, this difficulty will be avoided. This principle is the same as that laid down in the Civil Rules of Practice and referred to above. Volume I, Civil Rules of Practice, page 47, shows the classification of witnesses. The High Court's proposal may therefore be accepted with great advantage. This will result in considerable savings to Government.

CHIEF SECRETARY
6 OCT. 1936

Chief Secretary)

Draft approving the ^{MS} 6.10.
recommendation of the High Court may
be affd.

1st member)

^{MS}
8/10
^{MS}
9.10

^{MS}
28/10

^{MS}
27.10
^{MS}
27.10

Subd for order as to whether the draft go
issue ^{MS} 28.10



To

2

The Registrar High Court

The Dist. Magistrates of Dist.
The Comptroller to Govt.

p 2925-24 of 5. 11. 1936.

Directs that the Witnesses attending
Sessions Courts may be classified into
4 classes in the same way as witnesses
attending Civil Courts.

Government of His Highness the Maharaja
of Mysore.

GENERAL AND REVENUE DEPARTMENTS



Witnesses attending Sessions Courts

Directs that the _____ may be classified into four classes
in the same way as witnesses attending Civil Courts.

G. O. No. P 2925-34 / Ch 81-36-2 DATED 5th November 1936.

May this be

i. printed?

ii. treated as a standing order?

iii. published in the Gazette English Part?

iv. translated?

v. placed at the disposal of the press?

vi. published in the Gazette Kannada Part?

} yes

} no

Sd/- for orders

CPR
27/11

approved

by
26.11

press fee

Serial
No.

Kind Reference is invited to G.O. of 5.11.36
passing orders re. the ~~proper~~ classification of
Witnesses attending Sessions Courts.

In the printed copies of the order, the
word "Containing" has been printed instead
of the word "entailing". The typed copy
sent from this office to the press, contains
this correction. It is not clear why this
error has crept in while printing the order.

This may perhaps be got rectified in the
copies to be embodied in the Monthly Proceedings
Volumen.

Let with a draft go letter to the printer
about printing

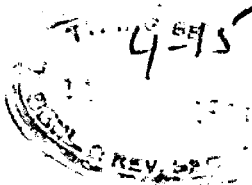
C.B.N.

11/10

R.S.

This may be rectified now
before
11/12

Issued No. p 3830 of 12.11.36



B
v/n

R. O. C. No. 1525
D. Dis. 35-36

1033/36
1
HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 22nd September 1936.

FROM

C 581-36-1
T. Shamiengar, Esq., B.A., B.L.,
~~SxVenkata Ranga Iyengar, Esq., B.A., B.L.,~~
Registrar, High Court of Mysore.

CHIEF SECRETARY
TO
GOVERNMENT
2. SE. 1936
ms
wg

B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

23/9
5 PM
9°
62-97-157
Reg J
is not
available
necessarily
(up)
With reference to Government Notification No.9926-J.949 of
1st March 1900, authorising Sessions Courts to pay the expenses of -
witnesses in Sessions Cases at the rates specified for the three classes
of witnesses as therein laid down, and to Government Order No.1529-30/
J.F.24-96-7 of 1st February 1904, ordering the addition of a fourth class
of witnesses with rates of travelling allowance and batta to be paid to
that class of witnesses, I am directed to state that, while the Govern-
ment Orders above referred to direct that witnesses be divided into four
classes and fix the rates of travelling allowance and batta to be paid
to each of the four classes, they do not lay down any principles in
regard to the basis on which the classification is to be made.

Consequently there is no uniformity in the classification now made in the
several Sessions Courts, and a witness who should be in the fourth class
is often classified as a third class witness, resulting in the payment
of a higher rate of travelling allowance and batta. Extravagance and
unnecessary cost to the Government in this matter have recently come to
the notice of the High Court. In the opinion of the Judges it is
desirable that witnesses attending Sessions Courts should be classified
in the same way as witnesses attending civil Courts (see Government
Notification No.P.5749/Cts.124-23-5, dated 12th April 1924) viz. in four
classes, as follows:-

- (a) fourth class - persons whose monthly income
is below Rs.50/-,

- Σ
- (b) third class - persons whose monthly income is Rs.50/- and above but below Rs.100/-,
 - (c) second class - persons whose monthly income is Rs.100/- and above but below Rs.250/-,
 - (d) first class - persons whose monthly income is Rs.250/- and above.

It should be the duty of the committing Magistrate, as already ordered, to make the classification.

I am to recommend that, if the Government approve, orders may be issued accordingly.

I have the honour to be,

Sir,

Your most obedient servant,

J. Shanmugam
Registrar.

MRH

SUBJECT

Ald. S.
87/1

3

Diary No. of letter replied to

Section

CS

File No.

81-36

Serial No.

2

General and Revenue Secretariat

()

the

193 .

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Date of issue 5/11/1936

Read—

Signed by

Mr. A. S. R.

- 1) G.O. No 9926-5949 of 1-3-1900
2) G.O. No 1529-30/J. 7. 24-96-7 8/1
1-2-1904.
J"

May this be—

- (i) printed?
(ii) treated as a standing order?
(iii) published in the Gazette,
English Part?
(iv) translated?
(v) placed at the disposal of the press?
(vi) published in the Gazette
Kannada Part?

The marginally noted Govt order
regulating the payment of
travelling allowance and
batta to witnesses attending
the Sessions Courts in the
State

Order thereon. No. 2) Letter No Roo

1525/35-36 of 22. 9. 1936

from the Registrar High

Court recommending in the

circumstances explained that

the witnesses attending Sessions

Courts may be classified in

the same class as witnesses

recd 1/24/36

Attending Civil Courts.

Order P 29 25-34. ^{of}

In the Sport orders read above certain rates of T.A and Balha were prescribed for

Witnesses attending Sessions

Courts and the ~~Sessions~~ Committling

^{Magistrates} ~~judges~~ were ^{or} given the discretion

to ^{specify} ~~report~~ the particular

Class under to which each

Witness ^{belonged} ~~had to be paid~~ ^{in regard fees} ~~the~~ ^{owed to his Station in life}

^{in respect of} ~~T.A.~~ ^{payments} ~~It is now reported~~ ^{of Balha & T.A.}

that there has been no uniformity

in the Classification ~~of~~ of

Witnesses in several Sessions

Courts and it ^{frequently} ~~generally~~ ^{happens}

happens that a Witness who

should be in one particular

Class ~~with~~ ^{is} ~~often~~ ^{be} classified

as ~~is~~ ^{is} ~~Witness~~ ^{one} belonging

to a higher Class with the

Key 9
(709) 1-3-1900

List of Enclosure

Copied by

Examined by

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

- 1) Fourth class - persons whose monthly income is below RS 50/-
- 2) Third class - persons whose monthly income is RS 50/- and above but below RS 100/-
- 3) Second class - persons whose monthly income is RS 100/- and above but below RS 250/-
- 4) First class - persons whose monthly income is RS 250/- and above.

~~The Government~~ It should be the duty of the committing Magistrates to make the classification with care and avoid the recurrence of irregularities of the kind brought to notice.

WD 03603-GPB-15,000-8-7-85

Result that a higher rate of T.A and batta is ~~being~~ ⁵ ~~being~~ ^{being} ~~paid~~ ^{paid} ~~this~~ ^{this} Entailing unnecessary cost to Govt.)

With a view to ~~avoid~~ ^{avoid} this ~~difficulties~~ ^{unnecessary costs} ~~referred to~~ ^{as also with a} view to secure uniformity of practice in the matter of classifying the several classes of witnesses, the High Court recommend that the witnesses attending sessions courts ~~should be~~ ^{may be} classified into four ^{in the same way as witnesses attending in} classes as specified in the

margin ~~according to their income per month~~ Govt are pleased to sanction the above recommendation of the High Court. ~~The Government~~

ms
8/10/36

Chief Secretary to Govt

7 The Registrar
The Dms of Dist
The Comptroller to Govt

6
S. O.

Government of his highness the Maharaja
of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 2925-34—Cts. 81-36-2, dated the 2nd—5th November 1936.

Witnesses attending Sessions Courts.

Directs that the — may be classified into four classes in the same way as witnesses attending Civil Courts.

READ—

Government Orders No. 9926—J. 949 of 1st March 1900 and No. 1529-30—J. F. 24-96-7, dated 1st February 1904, regulating the payment of travelling allowance and batta to witnesses attending the Sessions Courts in the State.

2. Letter No. R. O. C. 1525—35-36, dated 22nd September 1936, from the Registrar, High Court, recommending in the circumstances explained that the witnesses attending Sessions Courts may be classified in the same way as witnesses attending Civil Courts.

ORDER NO. P. 2925-34—CTS. 81-36-2, DATED BANGALORE,
THE 2ND—5TH NOVEMBER 1936.

In the Government Orders read above, certain rates of travelling allowance and batta were prescribed for witnesses attending Sessions Courts and the Committing Magistrates were directed to specify the particular class to which each witness belonged, regard being had to his status in life for fixing payment of batta and travelling allowance. It is now reported that there has been no uniformity in the classification of witnesses in several Sessions Courts and it frequently happens that a witness who should be in one particular class is classified as one belonging to a higher class with the result that a higher rate of travelling allowance and batta is being paid ~~certainly~~ ^{entailing} unnecessary cost to Government. With a view to avoid this unnecessary cost and to secure uniformity of practice in the matter of classifying the several classes of witnesses, the High Court recommend that the witnesses attending Sessions Courts may be classified into four classes in the same way as witnesses attending Civil Courts as specified below:—

1. *Fourth Class.*—Persons whose monthly income is below Rs. 50.
2. *Third Class.*—Persons whose monthly income is Rs. 50 and above but below Rs. 100.
3. *Second Class.*—Persons whose monthly income is Rs. 100 and above but below Rs. 250.
4. *First Class.*—Persons whose monthly income is Rs. 250 and above.

2. Government are pleased to sanction the above recommendation of the High Court. The Committing Magistrates should make the classification with care and avoid the occurrence of irregularities of the kind brought to notice.

B. T. KESAVIENGAR,
Offg. Chief Secretary to Government.

To—The Registrar of High Court of Mysore.
The District Magistrates of Districts.
The Comptroller to Government.

Exd.—C. K.

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

()
the 193 .

Date of issue.....12.12.36

Signed by *Mr. A.S.R.*

List of enclosures.....

Copied by

Examined by.....

Section

File No.

Serial No.

No. *P3830*

To

*The印務
Gos printing*

Sir,

I am directed to state that in the printed copies of the G.O. No P 2925-34 / Cts 81-36-2 of 5.11.36 relating to the classification of witnesses attending Sessions Courts the word "Curbailing" has been printed perhaps by oversight for the word "entailing"

and accordingly to request that
necessary corrections may ^{kindly} be ~~made~~ caused to be made
on this behalf in copies
to be embodied in the Monthly
proceedings Minutes for November
1936.

Yours ever

⁶⁰
^{11.11}
for Chief Clerk to Com